



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

August 2, 2012

(Exhibit #25)

Mr. Kenneth Smith
[REDACTED]
[REDACTED]

Dear Mr. Smith:

I have been asked to respond to your recent letter to Secretary Duncan opposing the teaching of Evolution in our public schools. You state that Evolution is a religion that is being taught in our public school system. Thank you for your letter.

There are no Federal laws or regulations governing whether Evolution should be taught in public schools. In addition, this Department does not have the legal authority to determine the curriculum or program of instruction in public schools, unless these matters are directly related to requirements in Federal education statutes. In fact, because education is primarily the responsibility of state and local governments, there is a law generally prohibiting this Department from exercising "any direction, supervision, or control" in these areas. As a result, you may want to address your concerns to the appropriate state or local officials.

(20 U.S.C. 6301 et seq.);

In your letter, you also reference the Education Sciences Reform Act and claim that "Congress has ordered that [the Secretary] set up a meeting between [you], and the educational experts, to assist [the Secretary] in the goals of the State educational development plan." However, neither the Education Sciences Reform Act nor any other legislation requires the Secretary to set up such a meeting.

Thank you for sharing your views with us and for your interest in education.

Plaintiff Note:

1. Defendant acknowledged that Plaintiff informed them they're Propagating a religion, and they Refuse to take corrective action.
2. Plaintiff presented in previous letter to U.S.D.E. that he already contacted state and local officials.

Sincerely,

Stephen H. Freid

Stephen H. Freid
Assistant General Counsel for
Elementary, Secondary, Adult,
and Vocational Education